

LOWER PAXTON TOWNSHIP ZONING HEARING BOARD

Meeting of March 21, 2013

Members Present

Jeffrey Staub
Watson Fisher
Sara Jane Cate
Alan Hanson
Greg Sirb

Also in Attendance

James Turner
Dianne Moran

Docket 1334

Applicant: Joanne Ripple

Address: 5024 Utah Avenue
Harrisburg, PA 17109

Property: 5024 Utah Avenue
Harrisburg, PA 17112

Interpretation: Section 307.a – Dimensional Requirements in the R-2 Medium Density Residential District. A2) With both Township approved central water and Township approved central sewage services: The minimum side yard setback requirement shall be one side yard with a minimum width of 5", provided the total side yards is a minimum of 15 feet. The Applicant proposes a carport that will encroach into the side yard setback

Grounds: Section 307.A

Fees Paid: March 1, 2013

Property Posted: March 11, 2013

Advertisement: Appeared in The Paxton Herald on March 6, 2013 and March 13, 2013.

The hearing began at 7:04 p.m.

Mr. Sirb swore in Ms. Dianne Moran who stated that she is the Planning and Zoning Officer for Lower Paxton Township.

Ms. Dianne Moran advised that the appropriate fees were paid on March 1, 2013. The proper advertisements appeared in The Paxton Herald on March 6, 2013 and March 13, 2013. The hearing notices were posed on March 11, 2013.

Ms. Moran noted that this application concerns Interpretation: Section 307.a – Dimensional Requirements in the R-2 Medium Density Residential District. A2) With both Township approved central water and Township approved central sewage services: The minimum side yard setback requirement shall be one side yard with a minimum width of 5", provided the total side yards is a minimum of 15 feet. The Applicant proposes a carport that will encroach into the side yard setback

Mr. Sirb swore in Emilio Chiodo, an employee for Chris Barton Remodeling, who resides at 76 East Street, Annapolis, Maryland. He noted that Chris Barton Remodeling would be doing the work for the applicant if the zoning variance is affirmed. He noted that the property owner is interested in building a carport.

Mr. Sirb questioned Mr. Chiodo who he works for. Mr. Chiodo answered that he is an independent consultant.

Mr. Chiodo explained that the property owner is interested in following the proper procedure which would include a building permit. He noted for her to do this, she is required to get a variance to put the carport in that location. He noted that she would be extending an open carport into her side yard. He noted that it would not adversely affect the characteristic of the neighborhood as there are a number of carports that have been constructed next to those homes.

Mr. Sirb requested Mr. Chiodo to explain what the carport would detail. Mr. Chiodo presented drawings of the carport to the Zoning Board members. Mr. Sirb noted that the permit application drawing would be entered in as Exhibit A.

Ms. Cate agreed that there are a lot of carports in the neighborhood. She questioned if Ms. Ripple would be removing the trees or hedge. Mr. Chiodo answered no. He explained that the edge of the carport would be four inches from the edge of the driveway and the hedge line would be preserved.

Mr. Sirb questioned if Mr. Chiodo could provide some detail as to the materials for the carport. Mr. Chiodo answered that it would be pressure treated timber construction posts, Simpson clip attachment to the footers that would go below the frost line. He noted that the roof would be framed in a gable fashion, to complement the existing roof profile. He noted that the angle would be less than what is there now, since it is a two-story home. He noted that the roof would be constructed with two by eight foot rafters connected at the top with a ridge plate that would be two by ten foot. He noted that the roof would be made up of plywood sheathing, 30 pound felt paper and asphalt shingles. He noted that the east side would have a vinyl soffit that would be colored to match the house color, and under the carport there would be a vinyl ceiling. He noted that the roof area would be enclosed and the posts would be painted. He noted that it would match the character of the neighborhood.

Mr. Turner questioned how far the carport would be set back from the property line. Mr. Chiodo answered that there is 17 feet on that side, and the posts for the carport would be two feet eight inches from the property line. He noted that there will be three posts along that hedge line so the hedge would provide for a natural wall along the side of the carport.

Mr. Turner questioned if Ms. Ripple has discussed this project with the adjoining neighbor. Mr. Chiodo answered that he was sure that Ms. Ripple discussed it with the neighbors, noting that it is such a small neighborhood that they all know each other. He noted that she realized that there were certain procedures that she must go through to build the carport.

Mr. Staub questioned if this lot is similar in size to all the lots in that development. Mr. Chiodo noted that it is 60 feet wide and 110 feet long. Mr. Staub noted that most of all the lots in that area are 60 feet wide. He noted that it seemed that there were more garages than carports that were built. Ms. Cate agreed.

Mr. Turner noted, over the years, the Board has received numerous requests for projects very similar to this one.

Mr. Sirb noted that he would rather see the car parked off the street.

Mr. Sirb questioned if the Township had a position on this application. Ms. Moran answered no.

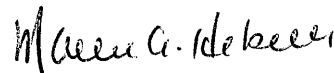
Mr. Sirb questioned if anyone in the audience wished to be heard on this application. No response was given.

Mr. Sirb questioned if the Board had any questions for the applicant.

Mr. Sirb made a motion to accept Docket 1334 as presented. Ms. Cate seconded the motion. Mr. Turner conducted the following roll-call vote: Mr. Fisher, aye; Mr. Hansen, aye; Mr. Staub, aye; Mrs. Cate, aye; and Mr. Sirb, aye.

The hearing ended at 7:16 p.m.

Respectfully submitted,



Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
APPLICATION OF : TOWNSHIP ZONING HEARING BOARD
JOANNE RIPPLE : DAUPHIN COUNTY, PENNSYLVANIA
: DOCKET NO. 1334

DECISION GRANTING VARIANCE

The applicant seeks a variance from side yard setback requirements in connection with a proposed carport. A hearing on the application was held on March 21, 2013.

Facts

1. The applicant and owner of the property in question is Joanne Ripple of 5024 Utah Avenue, Harrisburg, Pennsylvania. The applicant was represented at the hearing by Emilio Chiodo on behalf of Chris Barton Remodeling, the proposed contractor.
2. The property in question is located on the north side of Utah Avenue and consists of a 60 feet by 110 feet lot improved with a single family dwelling known as 5024 Utah Avenue. The property is zoned R-2, medium density residential.
3. The applicant proposes to erect a carport on the east side of the existing dwelling. The carport would extend to within two feet eight inches of the side yard property line. It would have a shingle roof with a vinyl soffit to match the existing home. The existing hedge row between the applicant's property and the adjoining property to the east would be preserved.
4. Notice of the hearing was posted and advertisement made as required by the ordinance.
5. No one other than the applicant appeared to testify either in favor of or against the proposed variance.

Conclusions

1. Article 307.A of the ordinance requires a minimum side yard setback of five feet with an aggregate side yard setback of fifteen feet. The proposed construction would violate this section of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property in question is burdened by a hardship not created by the owner consisting of the limited lot area and narrow lot width. These factors make the development of any covered parking area impossible without variance.

4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. Similar garages/carports are common in the neighborhood and they inevitably encroach upon setback given the narrow lots which are common in the district. The carport will enable the property owner to get her vehicle off the street which will benefit the general public.

Decision

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is

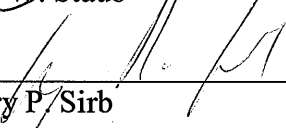
hereby granted allowing the erection of a carport in strict conformity with the plans and testimony submitted to the Board.

Date: 4/25/13


LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD



Jeffrey W. Staub

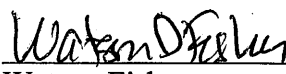


Gregory P. Sirb



Sara Jane Cate

Allen Hansen



Watson Fisher

LOWER PAXTON TOWNSHIP ZONING HEARING BOARD

Meeting of March 21, 2013

Members Present

Jeffrey Staub
Watson Fisher
Sara Jane Cate
Alan Hanson
Gregory Sirb

Also in Attendance

James Turner
Dianne Moran

Docket 1335

Applicant: Timothy Manning

Address: 6504 Birmingham Place
Harrisburg, PA 17111

Property: 6504 Birmingham Place
Harrisburg, PA 17112

Interpretation: Section 307.a – Dimensional Requirements in the R-2 Medium Density Residential District. A2) With both Township approved central water and Township approved central sewage services: The minimum side yard setback requirement shall be one side yard with a minimum width of 5 feet, provided the total side yards is a minimum of 15 feet. The Applicant proposes a carport that will encroach into the side yard setback

Grounds: Section 307.A

Fees Paid: March 1, 2013

Property Posted: March 11, 2013

Advertisement: Appeared in The Paxton Herald on March 6, 2013 and March 13, 2013.

The hearing began at 7:16 p.m.

Mr. Sirb noted that Ms. Moran, the Planning and Zoning Officer, was previously sworn in.

Ms. Dianne Moran advised that the appropriate fees were paid on March 1, 2013. The proper advertisements appeared in The Paxton Herald on March 6, 2013 and March 13, 2013. The hearing notices were posed on March 11, 2013.

Ms. Moran noted that this application concerns Interpretation: Section 307.a – Dimensional Requirements in the R-2 Medium Density Residential District. The minimum side yard setback requirement shall be one side yard with a minimum width of 5 feet, provided the total side yards is a minimum of 15 feet. The Applicant proposes a carport that will encroach into the side yard setback

Mr. Sirb swore in Timothy Manning, owner of property located at 6504 Birmingham Place, Harrisburg, PA, 17111, and Barry Zeigler, contractor, 279 Jefferson Avenue, York, Pennsylvania, PA.

Mr. Manning presented 19 pictures to the Zoning Board Members that would go along with his prepared narrative. Mr. Sirb noted that there were 19 pictures and he would accept them as exhibits for the hearing.

Mr. Manning noted that this narrative is related to adding a third garage to 6504 Birmingham Place. He noted that currently, the property line is 18 feet, 6 inches away from the home structure where the garage will begin and the additional garage will need 13 feet 6 inches of structure towards the property line. He explained with the Township's approval, he would need 5 feet out of the 10 foot setback on the left side of the home/, leaving a five foot setback towards the property line. He noted that the right side of the home has the 15 foot setback required by law.

Mr. Manning noted that the garage to be built will have similar materials, trim, and color matching the current existing double bay garage at the home. He noted to the left of the proposed garage there will be a column of brick matching the brick columns existing on the home, and there will be a new roof put on the entire home and addition. He noted that he has included elevation plans, Exhibit A; lot 3 property lines as Exhibit B; and current pictures of the Birmingham home, pictures 1 and 2, to include the neighbor's home at 6506 Birmingham Place - Lot 4, next to the property line needing the variance. He noted that pictures 3 and 4 show orange markers for the property line. He noted that pictures 5, 6, and 7 are pictures of another home that has a similar 3rd car garage layout to illustrate the project.

Mr. Manning noted that the following information will help explain why a variance should be granted: 1) The property line is shaped like a wedge; only the front left corner of the garage will be close to the setback where the variance is needed; 2) The added garage will not be close to the neighboring structure at 6506 Birmingham Place home. In fact, as illustrated in pictures 8 to 10, there is a parking pad on the neighbor's property that further separates the homes. He noted as illustrated in picture 11 to 14, there are other homes in the Windmere Development that are much closer together at Quentin Road. He noted that another picture shows the Quentin Road cul-de-sac down the road in Birmingham Place in the development: 3) He noted that

construction of the new garage addition will improve water drainage by re-routing spout systems to a downspout to the rear of the garage, away from both homes. He noted behind 6504 Birmingham there is a decline of landscape leading water flow away from the homes showed in pictures 15 through 17. He noted that the current downspout is to the left front of his home where the garage will be built as illustrated in pictures 18 and 19; 4) He noted that the home value will increase, therefore helping to increase the value of the other homes in the cul-de-sac; 5) He noted that the new addition will help to generate more tax revenue for the Township; 6) He noted that the additional garage will help prevent vehicles from overcrowding the cul-de-sac and the driveway, presenting a less congested atmosphere for the neighborhood; 7) He noted that the finished project will present improved curb appeal in the cul-de-sac of the Windmere Development; and lastly 8) The new addition will make it safer for his wife and children to be safely transported to a vehicle parked inside the connecting garage during extreme weather conditions. He explained that the current garage is occupied with other vehicles and his wife slipped and fell on ice holding their youngest child this past winter. He explained that the children are currently 1 and 3 years of age.

Mr. Manning explained that was the end of his narrative.

Mr. Fisher questioned Mr. Manning if he discussed the addition with his next door neighbor. Mr. Manning answered yes. Mr. Fisher questioned what his response was. Mr. Manning noted that he had an issue with the drainage, being concerned with how the water would be directed. He noted that he explained to his neighbor that as it exists now, the down spouting comes out on the left side of the house but does not hit the landscaping portion of his property. He noted that he was also concerned with the height of his driveway and how it compared with the level of his driveway. He explained that the neighbor wanted to know if it would be a similar height to his driveway. He noted that his neighbor's driveway is lower than his as the Board members can see in the pictures that he provided to them. He noted that he discussed this with the contractor and the contractor will try to accommodate his neighbors concerns.

Mr. Sirb questioned if Ms. Moran if Mr. Manning needed a variance for the one side set back. Ms. Moran answered that was correct. Mr. Sirb noted that his minimum would be 20 feet instead of the required 25 feet. Ms. Moran noted that Mr. Manning has 15 feet on one side and five on the other side and he needed 25 feet with a minimum of ten feet. She noted that he is short on the one side only at the front. Mr. Zeigler suggested that there is more than 15 feet on the right side of the building. Mr. Manning answered that there is 25 feet on the right side of the house. Mr. Sirb noted that Mr. Manning stated that he had 15 feet in his testimony. Mr. Manning noted that is what is required by law. Mr. Turner noted that the drawing indicates 25 feet, so after the garage is built there would be a 30 foot aggregate of the two sides.

Mr. Turner questioned what the distance is from the back corner of the garage to the property line. Mr. Zeigler noted that it would be more than 50 feet, but he does not have the exact measurement. He noted that the back of the house is 50 feet to the back of the property. Mr. Turner noted if the garage is 13'6", then that setback would be more than 30 feet. Mr. Turner

Questioned from the back corner of the proposed garage to the neighbor's property line, what is that measurement. Mr. Manning suggested that it should be shown on the picture as ten feet. Mr. Zeigler noted that it would be more than 10 foot at that location, but he did not know what the exact number is. Mr. Turner noted that Mr. Manning meets the setback at the back corner of the proposed garage but not at the front corner. He noted that it is due to the pie shaped nature of the lots. Mr. Manning noted that was correct.

Mr. Sirb noted that the problem is five feet. Ms. Moran noted that she thought he mentioned 15 feet. Mr. Manning noted that the right side of the home is not 15 foot, it is 25 foot. Mr. Sirb noted that the encroachment occurs from half the garage back, noting that 50% of the building would be located in the encroachment area.

Mr. Sirb questioned Mr. Manning if he had a two car garage at this time. Mr. Manning answered yes. Mr. Sirb questioned if he wanted a three car garage. Mr. Manning answered yes. Mr. Sirb questioned how many cars Mr. Manning has. Mr. Manning answered that he has four vehicles.

Ms. Cate questioned if he had a wife and two young children. Mr. Manning answered yes. Ms. Cate questioned that he had four cars. Mr. Manning answered that one car is a project car that he had for years, a sports car. He noted that he has another vehicle and a SUV, and the everyday car that he uses to drive back and forth to work. Mr. Turner questioned what kind of car is the project car. Mr. Manning answered that it is a 1989 Porsche.

Mr. Sirb questioned if Mr. Manning or Mr. Zeigler will take care of the concerns of the neighbor while putting the garage in as he agrees with the issue of the height of the garage and driveway. He noted that that height would provide a grade that would allow water to go onto his neighbor's property. Mr. Zeigler answered that the roof runoff for the way the roof will be pitched will have spouting run around the garage so it will discharge out the back of the garage. He noted that the discharge will go into the swale that runs down behind the houses.

Mr. Manning noted if you look at picture 15, at the bottom of the page, down to the rear of home, the rear of the garage as well as the front of the garage will have the down spouting located to the rear of the garage that will go down the grade as it was meant to be. Mr. Sirb questioned if there would be any down spouting aim towards the neighbor's home. Mr. Manning answered no.

Mr. Sirb questioned what the height of the driveway would be. Mr. Zeigler answered when he backfills in the area he will ensure that water run off between the two properties will flow to the back of the property.

Mr. Sirb questioned Ms. Moran if the Township has any questions. Ms. Moran answered no.

Mr. Sirb noted that there was no one in the audience.

Mr. Sirb questioned if Mr. Manning or Mr. Ziegler had any more testimony. Mr. Manning answered no.

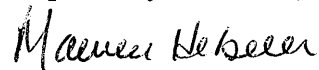
Mr. Hansen made a motion to approve Docket 1335 as presented. Mr. Sirb seconded the motion.

Mr. Turner conducted the following roll-call vote: Mr. Fisher, aye; Mr. Hansen, aye; Mr. Staub, aye; Mrs. Cate, aye; and Mr. Sirb, aye.

Mr. Manning questioned when he could apply for the permit. Mr. Turner noted that the Zoning Hearing Board decision will be signed at the next meeting to be held on Thursday, April 25, 2013.

The hearing ended at 7:33 p.m.

Respectfully submitted,



Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
APPLICATION OF : TOWNSHIP ZONING HEARING BOARD
TIMOTHY MANNING : DAUPHIN COUNTY, PENNSYLVANIA
: DOCKET NO. 1335

DECISION GRANTING VARIANCE

The applicant seeks a variance from side yard setback requirements in connection with a proposed attached garage. A hearing on the application was held on March 21, 2013.

Facts

1. The applicant and owner of the property in question is Timothy Manning of 6504 Birmingham Place, Harrisburg, Pennsylvania 17112.

2. The property in question consists of a pie-shaped lot which is improved with a single family dwelling known as 6505 Birmingham Place. The property is zoned Residential, R-1. The existing home is setback 25 feet from the eastern property line and 18.6 feet from the western line. Because of the pie-shaped lot the side yard setbacks increase toward the rear of the lot.

3. The applicant proposes to erect a one-car garage on the west side of the house adjoining the existing two-car garage. The garage will be built of a similar style and materials as the existing house. The garage would be 13 feet 6 inches wide resulting in a 5 feet wide yard at the closest point. To the rear of the garage the setback would be in excess of ten feet.

4. The applicant has redesigned the downspouts and gutters to direct water away from the front of the house toward the rear where it can flow into existing drainage areas.

5. Notice of the hearing was posted and advertisement made as required by the ordinance.

6. No one other than the applicant and his contractor appeared to testify either in favor of or against the proposed variance.

Conclusions

1. Article 307.A of the ordinance requires a minimum side yard setback of ten feet and an aggregate side yard setback of 25 feet. The proposed construction would violate the 10 feet minimum side yard provision of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property in question is burdened by a hardship not created by the owner consisting of its pie-shape. This feature severely limits the developable area, which would require pushing the garage far to the rear of the existing dwelling.

4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. The overall level of development of the property remains in keeping with the neighborhood. Although the variance is significant at its closest point, most of the proposed garage remains in compliance with


the ordinance. By rerouting the storm lines the applicant has addressed the concerns of the neighboring property owner with regard to drainage.

Decision

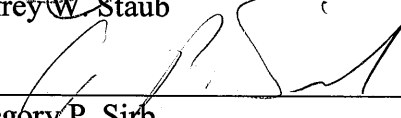
In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted allowing the erection of a garage with a setback of five feet at its closest point to the side yard. In all respects construction shall be in strict conformity with the plans and testimony submitted to the Board.

Date: 4/25/13

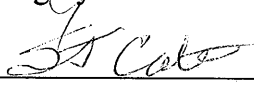
LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD



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